

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada

TROY K. FLAKE
Deputy Civil Chief
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Facsimile: 702-388-6787
Email: troy.flake@usdoj.gov

EUGENE N. HANSEN
JOHANNA M. FRANZEN
ANTHONY C. GENTNER
MARK C. ELMER
READE E. WILSON
Trial Attorneys, U.S. Department of Justice
Environment & Natural Resources Division
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
Telephone: 202-616-3129
Facsimile: 202-514-8865
Email: eugene.hansen@usdoj.gov
johanna.franzen@usdoj.gov
anthony.gentner@usdoj.gov
mark.elmer@usdoj.gov

Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

400 ACRES OF LAND, more or less,
situate in Lincoln County, State of Nevada;
and JESSIE J. COX, et al.,

Defendants.

Case No. 2:15-cv-01743-MMD-NJK

**JOINT PROPOSED SITE VISIT
INSTRUCTIONS**

1 Pursuant to the Court's Orders (ECF Nos. 506, 539, and 552), the parties submit the
2 following proposed instructions for the Groom Mine site visit. The parties recommend that the
3 Court provide a copy of these instructions and the attached map to the Land Commissioners prior
4 to the scheduled visit on February 8, 2020.

5 **1. Preliminary Instructions**

6 You will visit the Groom Mine as part of your determination of just compensation in this
7 case, in order to better understand and weigh the testimony and evidence at trial. The following
8 instructions provide an itinerary for your trip and important considerations for you to keep in
9 mind during the site visit. A map of the property, which depicts the approximate boundaries of
10 the patented and unpatented mining claims that make up the Groom Mine, is attached as Exhibit
11 A.

12 The United States condemned and took possession of the Groom Mine ("Property") in
13 September 2015. The date of value in this case is September 10, 2015 – the date the United
14 States filed its Complaint in Condemnation. The Groom Mine property has not been maintained
15 since that date. The former landowners have removed most of their personal property from the
16 site. Finally, the access conditions that you will experience during your visit, such as: prohibition
17 of electronic devices; metal detector screening; use of Air Force vehicles; and Air Force escort to
18 and on the Property; were not the access conditions experienced by the former owners and their
19 invitees when the Groom Mine was privately held.

20 As shown in Exhibit A, we will be going to several different locations (or viewing points)
21 on the Property. All of the designated viewing points identified on Exhibit A are located on one
22 of the patented or unpatented mining claims known collectively as the Groom Mine property,
23 which is the subject of this proceeding. The designated viewing points are intended to provide an
24 overview of the Property. You should not assume that these viewing points are the most
25 important, let alone the only, locations that may be relevant to your determination of just
26 compensation. In addition to what you observe during time spent at each planned stop, pay
27 attention to what you see as we travel from stop to stop. Additionally, the time allotted/suggested
28

1 for each stop is solely a guide and the time to be spent at any given stop location is up to the
2 Commissioners' discretion.

3 During the site visit, you may be accompanied by: (1) representative landowner Joe
4 Sheahan, (2) Air Force representative Colonel Christopher Zuhlke, (3) counsel for the parties
5 (including Air Force counsel), and (3) Nevada Test and Training Range ("NTTR") safety and
6 security personnel. As a general rule, it is not appropriate for you to question the parties, request
7 argument or information from counsel, or otherwise engage in substantive discussions with the
8 parties, their lawyers, or NTTR personnel while at the Groom Mine or otherwise during the site
9 visit. Counsel and the parties have likewise been instructed not to engage in discussions with the
10 commissioners or the Court while onsite, except for cordial pleasantries. However, limited
11 communications regarding safety, security, and logistics may be appropriate provided that a
12 lawyer for each side and the Court is present during the conversation. If you have a question
13 during the site visit, please direct it to the Court so that the Court may confer with the attorneys
14 before providing a response.

15 The Groom Mine was a private inholding within the NTTR, an active military installation
16 operated by the United States Air Force. As a result, before reaching the Property, you will have
17 to pass through standard NTTR security screening, which is similar to TSA airport screening.
18 Therefore, please bring a valid form of identification with you on the trip. You also should know
19 that you may not bring any weapons or electronic equipment (including cell phones, cameras,
20 tablets, and smartwatches) with you to the Groom Mine. There are lockers at the security
21 checkpoint to store electronic equipment.

22 Finally, it will take approximately five hours to drive to the NTTR and back from Las
23 Vegas (the entire site visit, including travel time, is expected to last approximately eight hours).
24 There will be opportunities for you to use the restroom and purchase food and drinks for the trip,
25 but please keep in mind, that for the most part, the site visit will take place in the remote high
26 desert of Lincoln County. Pay attention to your surroundings, and immediately alert NTTR
27 personnel if you are not feeling well so that appropriate action may be taken.
28

2. Meeting Time and Location

The Groom Mine site visit will take place on the second day of trial, Saturday, February 8, 2020. We will meet at the Alamo Sinclair at 9:30 a.m. (approximately a 1.75 hour drive from central Las Vegas). The entire site visit, including travel time, will take approximately eight hours.

3. Travel Route and Transportation to the NTTR

The Court, the Land Commissioners, and the parties/lawyers will drive their personal vehicles to the Alamo Sinclair (51 Broadway Street, Alamo, NV 89001). While available on navigation apps, including Google Maps, the default travel route from the Federal courthouse to the Alamo Sinclair is to take I-15 north for approximately 21 miles until the interchange of I-15 and US-93. At the interchange, take Exit 64 to keep north on US-93 toward Pioche/Ely for approximately 73 miles until Alamo. There, we will meet at the Alamo Sinclair service station (on the left side of US-93 as you drive in to town). You may use the restroom and purchase any food or drinks to take with you on the rest of the trip. NTTR personnel who will escort us to the NTTR will join us at the Alamo Sinclair.

From Alamo, as a caravan, we will continue north on US-93 for another 12 miles until the intersection of US-93 and US-375 near Crystal Springs. We will then head west on US-375 for approximately 14 miles until we reach a gravel road on the left known as Groom Lake Road. From there, we will travel several miles down Groom Lake Road to a NTTR security checkpoint. While Groom Lake Road is a maintained gravel road passable by most types of cars, it is recommended that you not drive a low clearance vehicle or “sports car.”

4. Transportation Within the NTTR

Once through the NTTR security checkpoint, the Air Force will provide separate transportation for you, the Court, and the parties for the remainder of the site visit at the Groom Mine. NTTR personnel unrelated to this case will drive each vehicle. While we will need to split up in to separate vehicles, there will be at least one attorney from the Department of Justice and the Law Offices of Kermitt L. Waters in each vehicle. NTTR personnel will have been instructed not to communicate with you, the Court, or the Court’s clerk outside the presence of the

attorneys in this case except for safety and security reasons. Once everyone is loaded into NTTR vehicles, we will proceed to the Groom Mine, which is another several miles from the checkpoint.

5. Vehicle Assignments

The Air Force vehicles which will be used for the site visit will be numbered. To facilitate the site view and make travel as efficient as possible, each site view attendee is assigned to a specific vehicle for the duration of the visit. Vehicle assignments are as follows:

Vehicle No.	Passenger		
1	Judge Pro	DOJ Attorney	KWL Attorney
2	Judge Leen	DOJ Attorney	KWL Attorney
3	Justice Douglas	DOJ Attorney	KWL Attorney
4	Judge Du	Deputy Marshall	Judge Du Clerk
5	Colonel Zuhlke (USAF)	Grant Kratz (USAF)	DOJ Attorney
6	Joe Sheahan	KWL Attorney	-

6. Viewing Points and Descriptions

We will be going to eight different viewing locations (7 stops) at the Groom Mine. At each stop, the Court (or its representative) will read aloud a brief factual statement about what you may observe at each location and/or specific areas to view and/or visit at each location. The factual statements are contained below.

Stop 1 (Main Camp):

Access to Stop 1 is via Sheahan Road. From the turnoff to Sheahan Road, drive north approximately 2.5 miles. After the gate, bear right at the fork and drive another roughly 0.4 miles to Stop 1. Once everyone is together, read the following:

We are on the Groom Mine. We are standing in the northeast corner of the South End patented claim, near where it overlaps the White Lake and Conception 1 patented claim (also referred to as White Lake and Conception #37), as shown on

1 Exhibit A. A patented mining claim is akin to fee simple ownership. The South
2 End patented claim is approximately 600 feet wide east to west, and 1,500 feet
3 long north to south (approx. 20 acres). Beyond the eastern boundary of the South
4 End claim is federal land that was withdrawn from the public domain in 1984.
5 Prior to the 1984 withdrawal, the federal land was open to the public for
6 recreational and other uses.

7 We are standing at the “main camp.” It includes a number of small cabins where
8 the former landowners would stay when they visited the property. Most of the
9 structures date back to the early 1900’s. Please keep in mind that the Groom Mine
10 property has not been maintained since September 10, 2015, when this
11 condemnation action was filed. Additionally, the former landowners have
12 removed most of their personal property. Some of the former mine workings,
13 including the Main Shaft, are located about 2,500 feet to the north from this
14 location. Approximately 500 feet northeast and uphill of the main camp is a
15 natural spring which provided water to the main camp.

16 “Area 51,” as that term is used by the landowners and their experts but not by the
17 United States Air Force, is located, as the crow flies, about seven miles south
18 from this location across the dry lakebed. The zone change and special use permit
19 application the landowners submitted to Lincoln County after the property was
20 condemned contemplated construction of tourist commercial improvements on the
21 South End patented claim.

22 Approximately 70 miles to the south, the dominant mountain range you see on the
23 horizon is Mount Charleston.

24 You have about 20 minutes to observe the Property and the views from this
25 location. You may walk a short distance away from this spot. Look in all
26 directions. You are asked to see the view of the facility that the landowners refer
27 to as “Area 51” from the deck off the main (two-story) cabin. You are also asked
28 to see the view of the facility that the landowners refer to as “Area 51” from the
“Southend Cabin” which is the southernmost structure in the main camp area
about 200 feet south (downhill) from the main (two story) cabin, identified by
orange flagging around the chimney pipe.

Stop 2 (100-Foot Level):

From Stop 1, we will load into the vehicles and drive approximately 0.75 miles. We will
stop at the entrance (or adit) to the 100-foot level. When everyone is together, read the following:

1 We are currently located on the White Lake and Conception 1 patented mining
2 claim, as shown on Exhibit A.

3 We are looking at the entrance or “adit” to the 100-foot level. The 100-foot level
4 is a tunnel that runs roughly north-south, parallel to the “main fault.” Its exact
5 length is unknown, but it is believed to extend more than 1,000 feet. Most of the
6 historical production from the mine came from this level and above.

7 You have about five minutes to observe the Property and the views from this
8 location. You may walk a short distance away from this spot, should you choose.
9 Look in all directions.

10 **Stop 3 (Main Shaft and Open Pit):**

11 From Stop 2, we will continue north on the same road approximately 0.25 miles. We will
12 stop on the road near the main shaft. From here, we will walk a short distance to the location
13 marker. Read the following:

14 We are currently on the northern portion of the White Lake and Conception 1
15 patented claim, as shown on Exhibit A. The White Lake and Conception 1
16 patented claim is approximately 200 feet wide east to west, and 3,000 feet long
17 north to south (approximately 14 acres). With the exception of the southern end,
18 the White Lake and Conception 1 claim is surrounded by unpatented mining
19 claims. Unpatented mining claims cannot be used for tourism but may be used to
20 access neighboring patented claims.

21 To the south approximately 140 feet is the location of the Main Shaft. The Main
22 Shaft was used to remove material from the mine workings. Historically, mine
23 carts transported ore and waste rock along a narrow-gauge track to a 50-ton
24 flotation mill. We will stop at the mill site later.

25 The zone change and special use permit application the landowners submitted to
26 Lincoln County after the property was condemned did not contemplate
27 construction of any tourist commercial improvements on the White Lake and
28 Conception 1 patented mining claim.

(Open Pit):

From this location the “open pit” is downhill and west approximately 180 feet.
This area was mined from the 1940s until the early 1950s. It contained lower-
grade disseminated ore that was processed and concentrated at the on-site mill.

1 You have 10 to 15 minutes to observe the Property and the views from this
2 location. You may walk a short distance away from this spot, should you choose,
3 but please stay clear of the opening to the Main Shaft and any other openings.
Look in all directions.

4
5 **Stop 4 (Northern End):**

6 From Stop 3, we will return to the vehicles and continue north up Sheahan Road a few
7 hundred feet. We will stop on the road, immediately past an "S" turn. Once out of the vehicles,
8 we will ask the NTTR drivers to turn the cars around and wait for us. Once everyone is together,
9 read the following:

10 We are standing on the Maria unpatented mining claim just north of the White Lake
11 and Conception patented claims. This is the approximate northernmost portion of
12 the patented mining claims. From this location, we are approximately 3,000 feet
from the main camp to the south and approximately 3,000 feet from the northern
end of the Property.

13 Looking south, from left (east) to right (west) you will see four orange stakes
14 marking the northern corners of the White Lake and Conception claims.

15 Looking east and uphill is an exploratory pit. This was dug when the property was
16 being actively mined. There are no tunnels or other mine workings in this area.

17 You have about 5 minutes to observe the Property and the views from this
18 location. You may walk a short distance away from this spot, should you choose.
19 Look in all directions.

20 **Stop 5 (New Adit/Tunnel):**

21 From Stop 4, we will begin working our way south back down the valley. We will drive
22 to the new adit/tunnel. Read the following:

23 We are currently located on the White Lake and Conception 2 patented mining
24 claim (also referred to as White Lake and Conception #39 on Exhibit A). The
25 White Lake and Conception 2 patented claim is approximately 200 feet east to
26 west, and 2,600 feet north to south (approximately 12 acres).

27 We are standing at the entrance (or adit) to a tunnel known as the new adit or new
28 tunnel. The former landowners started this tunnel in the 1960s in an attempt to
reach an ore body and worked intermittently on expanding it up to 2013. The new

1 adit runs in a north-easterly direction, toward the open pit, for a distance of about
2 120 feet.

3 You have approximately five minutes to observe the Property and the views from
4 this location. You may walk a short distance away from this spot, should you
5 choose. Look in all directions. You may peer into the tunnel if you like.

6 **Stop 6 (Former Mill Site and 200-Foot Level):**

7 From Stop 5, we will drive to the former mill site. Once everyone is together, read the
8 following:

9 We are currently located on the Mill unpatented mining claim. The Main Camp
10 area is higher in elevation and approximately 1,500 feet east-southeast of this
11 location over several ridges.

12 In the early 1940s, a mill was constructed about 200 feet to the south of where we
13 are standing. The mill was used to process lower grade ores from the mine by
14 separating the valuable fraction from the uneconomic fraction. The valuable
15 fraction was further concentrated in the mill, before being shipped to a smelter.
16 The uneconomic fraction is known as mine "tailings." The main tailings pile is
17 located immediately west of the former mill site and measures approximately 200
18 feet north to south by 90 feet east to west (less than ½ acre) and tapers to a height
19 of approximately 10 feet.

20 This mill was operational from the early 1940's until 1954, when it was
21 destroyed.

22 You have approximately 5 minutes to observe the Property and the views from
23 this location. You may walk a short distance away from this spot, should you
24 choose. Look in all directions. From here, we will walk on the road approximately
25 300 feet to the location marker for the 200-foot level and blacksmith shop.

26 **(200-Foot Level and Blacksmith Shop):**

27 When everyone is together, read the following:

28 We are currently located on the June unpatented mining claim.

Looking northeast is the entrance to the 200-foot level and to the right is the
former blacksmith shop. The 200-foot level was used to extract mineralization
from the 100-foot level and also served to drain water from the mine. The 200-
foot level runs in a northeasterly direction for approximately 800 feet.

1 You have about 5 minutes to observe the Property and the views from this
2 location. You may walk a short distance away from this spot, should you choose.
3 Look in all directions.

4
5 **Stop 7 (Southern Groom):**

6 From Stop 6, we will continue south down Sheahan Road, past the Main Camp. We will
7 park on the road, just south of the gate. From there, we will walk approximately 300 feet to the
8 east, and stand near the orange claim corner stake. Read the following:

9 We are now standing at the northwestern corner of the Southern Groom patented
10 mining claim. The Southern Groom patented claim is approximately 600 feet
11 wide east to west, and 1,500 feet long north to south (approximately 20 acres).
12 Immediately north of the Southern Groom patented claim (between the Southern
13 Groom patented claim and the South End Fraction patented claim) is the Mary
unpatented claim. The Black Metal Mine is located on the Mary patented claim
to the left of the old school bus.

14 The main camp is located approximately 3,000 feet to the north. The southern
15 boundary of the Southern Groom patented claim is the closest point of the Groom
16 Mine to "Area 51," as that term is used by the landowners and their experts but
17 not by the United States Air Force. The zone change and special use permit
18 application the landowners submitted to Lincoln County after the property was
condemned contemplated construction of tourist commercial improvements on the
Southern Groom.

19 You have 10 minutes to observe the Property and the views from this location.
20 You may walk a short distance away from this spot, should you choose. Look in
21 all directions.

22 **7. Miscellaneous**

23 **(a) Lunch/Water**

24 Lunch will not be provided on the site visit. You are encouraged to bring your own
25 lunch/snacks/drinks on the trip. The Alamo Sinclair has a selection of prepared foods, snacks,
26 and drinks for purchase if desired. The parties will ensure there is bottled water available to you
27 while on site.
28

1 **(b) Clothing/Footwear**

2 The Groom Mine has minimal development, and travel will be on dirt roads and natural
3 terrain. You are encouraged to wear clothing and footwear appropriate for walking on
4 dirt/rocky/gravel surfaces. The selected stops are generally either adjacent to where the vehicles
5 will stop, or a short walk away. The walks are not difficult in terms of grade changes or steep
6 slopes, and are relatively clear, but there is scrub brush in the area. Hiking shoes, boots or
7 athletic shoes are advised. Given the time of year, it may be cold and perhaps windy/dusty. You
8 should consider dressing in layers and bringing gloves, hats and/or sunglasses. Sun is always an
9 issue at altitude, even in the winter. Your preferred sun protection is recommended.

10 **(c) Restrooms**

11 There will be a portable toilet at the Property. There are indoor restrooms at the Alamo
12 Sinclair and at the NTTR security checkpoint.

13
14
15 Respectfully submitted,

16 **FOR THE UNITED STATES OF AMERICA**

17
18 /s/ Eugene Hansen

19 /s/ Mark C. Elmer

20 EUGENE HANSEN

21 ANTHONY GENTNER

22 MARK C. ELMER

23 READE E. WILSON

24 Trial Attorneys

25 U.S. Department of Justice
26
27
28

FOR THE SHEAHAN LANDOWNERS

/s/ Michael A. Schneider

KERMITT L. WATERS, Bar No. 2571

JAMES J. LEAVITT, Bar No. 6032

MICHAEL A. SCHNEIDER, Bar No. 8887

AUTUMN L. WATERS, Bar No. 8917

704 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 733-8877

Email: jim@kermittwaters.com

Counsel for Defendant Sheahan Landowners

FOR THE TANIS LANDOWNERS

/s/ John R. Funk

MARK H. GUNDERSON, Bar No. 2134

JOHN R. FUNK, Bar No. 12372

AUSTIN K. SWEET, Bar No. 11725

3895 Warren Way

Reno, Nevada 89509

Telephone: (775) 829-1222

Email: jfunk@gundersonlaw.com

Counsel for Defendant Tanis Landowners

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2020, I caused the foregoing Joint Proposed Site Visit Instructions to be served on all parties who have appeared in this action using the Court's case management/electronic case filing system. I further certify that on January 23, 2020, the United States sent a copy of the foregoing Joint Proposed Site Visit Instructions via U.S. mail to the following interested parties:

Sandra Sears-Lavallee
1172 Skyline Road
Henderson, NV 89002

Debbie DeVito
c/o Stanley Pedder
3445 Golden Gate Way
Lafayette, CA 94549

John B. Sheahan
c/o Michael W. Sheahan
6717 Rolling Meadows Dr., #916
Sparks, NV 89436-0106

Melanie Goodpasture
P.O. Box 7044
Cotati, CA 94931

Deborah Lynn Sheahan
4662 Gabriel Drive
Las Vegas, NV 89121

House Rabbit Society
c/o Anne Martin (Registered Agent)
148 Broadway
Richmond, CA 94804

Diane Sibley-Origlia
1615 Via Romero
Alamo, CA 94507

Animal Place
c/o Kim Sturla (Registered Agent)
17314 McCourtney Road
Grass Valley, CA 95949

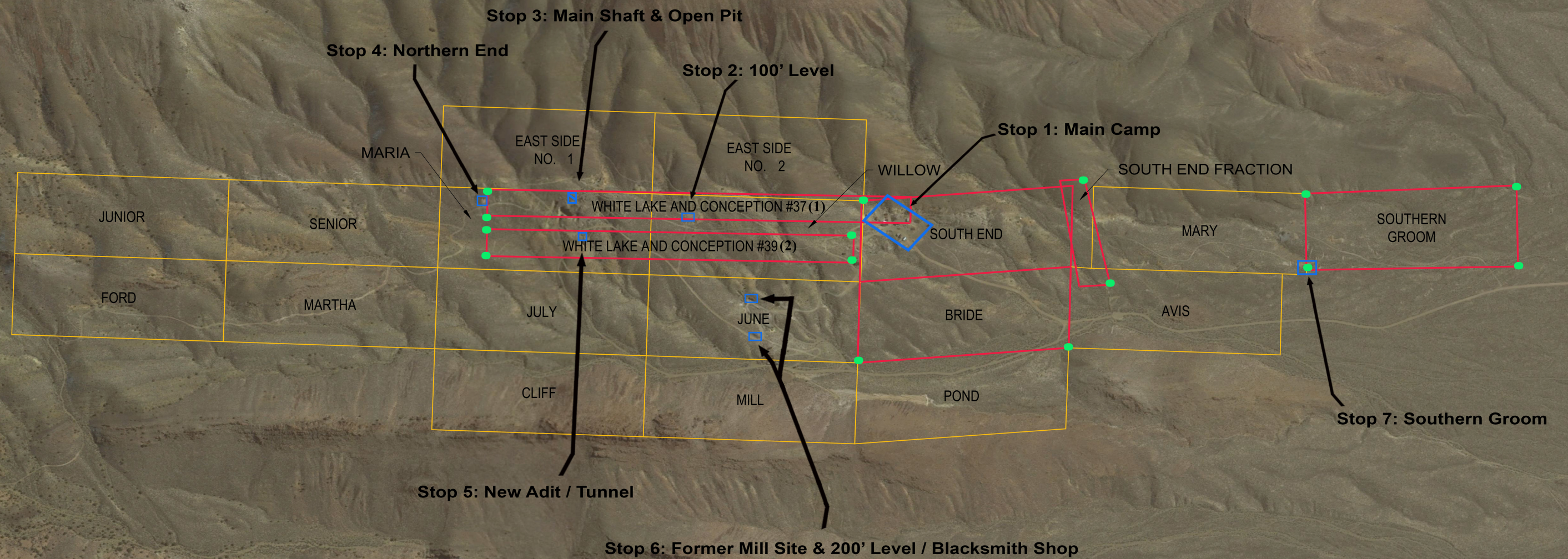
Katherine Kell
c/o Stanley Pedder
3445 Golden Gate Way
Lafayette, CA 94549

Hui Chu Poole
165 Lakewood Road
Walnut Creek, CA 94598

Amy E. Sears
P.O. Box 71
Pioche, NV 89043

/s/ Mark C. Elmer
Mark C. Elmer

APPENDIX A



LEGEND

- PATENTED MINING CLAIMS
- UNPATENTED MINING CLAIMS
- VIEWING LOCATIONS
- STAKED CLAIM CORNER